

FROM

(THU) 12.18.03 17:42/ST. 17:41/NO. 4862845716 P 1

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TRANSMISSION

TRANSMISSION PROBLEMS: (202) 986-8000

FROM: Elizabeth Stanley	ID#: 4939	DATE: December 18, 2003
TEL: (202) 986-8042	PAGES: 1 of 4	CLIENT/MATTER NO.: 08039-00159

TO:	COMPANY:	FAX NO.:	CONFIRMING TELEPHONE NO.:
Official Central Fax Number	U. S. Patent & Trademark Office	703-872-9306	703-308-4805 (Examiner Evans)

Comments/Message:

Re: U. S. Patent Application Serial No. 09/854,344

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DEC 18 2003

Filing Date: May 11, 2001

Title: HANDHELD, PORTABLE COLOR MEASURING  
DEVICE WITH DISPLAY

OFFICIAL

First named Inventor: Wagner, Gregg

Art Unit: 2877

Examiner: F. L. Evans

Attorney Docket No: 08039-00159

Please see attached Affidavit of Robert Stewart under 35 C.F.R. § 1.132 (2 pages) and

Certificate of Transmission (1 page) for the above-referenced application.

Elizabeth Stanley, Esq., Reg. No. 44,438

DC DOC 248621 v1 08039-00159

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PAGE 1/4 \* RCVD AT 12/18/2003 5:55:01 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):00-58

FROM

(THU) 12.18' 03 17:42/ST. 17:41/NO. 4862845716 P 2

Page 2

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U. S. Patent & Trademark Office (703.872.9306 fax) on the date shown below:

Name: Diane Lino  
Signature: Diane Lino

Date: Dec. 18, 2003

**LIST OF DOCUMENT BEING TRANSMITTED TO THE PATENT OFFICE:**

1. Fax Cover Sheet re 09/854,344
2. (Signed) Affidavit of Robert Stewart
3. Certificate of Transmission

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FROM

(THU) 12.18' 03 17:42/ST. 17:41/NO. 4862845716 P 3

Serial No.: 09/854,344

Docket No.: 08039-00159

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of

:

DEC 18 2003

WAGNER, Gregg et al.

:

Serial No. 09/854,344

:

Group Art Unit: 2877

Filed: May 11, 2001

:

Examiner: Fannie Evans

For: HANDHELD, PORTABLE COLOR MEASURING DEVICE  
WITH DISPLAY

OFFICIAL

The Commissioner for Patents  
Washington, D.C. 20231

AFFIDAVIT OF ROBERT STEWART  
UNDER 35 C.F.R. § 1.132

I, Robert Stewart, a U. S. citizen having a residence address of 1057 Reed Ranch Road, Boulder, CO 80302, hereby declare as follows:

1. I did not contribute to the disclosure in U. S. Patent No. 6,157,454 to Wagner et al. that is the basis of the pending rejected claims in the above-reference patent application.

2. Further, I believe that any invention disclosed but not claimed in the Wagner et al. patent was derived from Gregg Wagner and Gary Emerson, and is thus not an invention "by another" per 35 U.S.C. §102(e).

FROM

(THU) 12.18' 03 17:42/ST. 17:41/NO. 4862845716 P 4

Serial No.: 09/854,344

Docket No.: 08039-00159

3. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Robert Stewart

17 DEC 03  
Date

PC DOC 249665 V1 08039-00159